

IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN RE: LAWRENCE JAMES WOHLER **Adversary Proceeding No. 16-01106**

Debtor

Case No. 14-11344

Chapter 13

Judge Price Smith

LAWRENCE JAMES WOHLER, :

Plaintiff, :

vs. :

JENNIFER SKURKO, et al., :

Defendants. :

MOTION TO DISMISS

Comes now this moving Defendant, Jennifer Skurko, by and through counsel, and pursuant to Fed.R.Bankr.P. 7012 and Fed.R.Civ.P. 12(b), respectfully moves this honorable Court to dismiss the within adversary proceeding for the reasons set forth in the memorandum attached hereto.

Respectfully submitted,

/s/ Kenneth P. Frankel

KENNETH P. FRANKEL (0008788)

SMITH AND SMITH ATTORNEYS

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Attorney for Jennifer Skurko

CERTIFICATE OF SERVICE

I hereby certify that on September 8, 2016, a true and correct copy of the foregoing document was served:

Via the Court's Electronic Case Filing System on these entities and individuals who are listed on the Court's Electronic Mail Notice List:

Antoinette E. Freeburg, Attorney for Plaintiff/Debtor Lawrence James Wohleber at freeburglaw@roadrunner.com

And by regular U.S. Mail, postage prepaid, to the following:

Leslie A. Gentile, Esq.
19111 Detroit Road
Cleveland, Oh 44116

Honorable Debra Boros
Lorain County Domestic Relations Court
225 Court Street
Elyria, OH 44035

/s/ Kenneth P. Frankel
KENNETH P. FRANKEL (0008788)
Attorney for Jennifer Skurko

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**MEMORANDUM IN SUPPORT
OF MOTION TO DISMISS**

Plaintiff/Debtor, Lawrence James Wohleber has filed this adversary proceeding seeking damages as a result of an alleged violation of the automatic stay in Case No. 13-17042. This moving Defendant, Jennifer Skurko, asserts that if such a stay violation occurred in Case No. 13-17042, this action should be filed under Case No. 13-17042. Jennifer Skurko asserts that the within case is improperly venued pursuant to Fed.R.Civ.P. 12(b)(3) or, alternatively, the Court lacks subject matter jurisdiction pursuant to Fed.R.Civ.P. 12(b)(1).

For the reasons set forth above, the within adversary proceeding should be dismissed.

Respectfully submitted,

/s/ Kenneth P. Frankel
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